

Response dated November 9, 2004
Response to Office Action dated July 12, 2004

Application No. 09/864,383

REMARKS

Claims 1-98 and 100-220 are pending with this response. Claim 99 was previously canceled. Claims 1-98 and 100-218 are rejected by the Office Action. The Applicant is adding claims 219-220 with this paper.

The Applicant thanks the Examiner for the telephonic interview on October 27, 2004.

Claim Rejections – 35 U.S.C. §102

1) Claims 1-3, 5, 7, 10, 13, 14, 16, 17, 19-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57-60, 62, 67, 70, 71, 73, 74, 76, 93-97, 99, 104, 107, 108, 110, 111, 113-117, 119, 124, 127, 128, 130, 131, 133-137, 139, 144, 147, 148, 150, 151, 153-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 194-198, 200, 205, 208, 209, 211, 212, and 214-216 are rejected under 35 USC §102(b) as being anticipated by U.S. Patent No. 5,765,138 (Aycock). The Applicant has amended claim 1 to include the features of “inputting a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one of multiplier suppliers” and “displaying, for at least one selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain.” The amendment is supported by the specification as originally filed. For example, the specification discloses (Paragraph 57-58):

Referring to Fig. 10, an actuals comparison screen 260 is illustrated. The actuals comparison screen 260 may be selected using the actuals compare suppliers score button 216 in the side menu 300. With the actuals comparison screen 260, a user will be able to compare the actual performance metrics of multiple suppliers by stacking them up next to each other in a matrix. This can be done at department, division or channel level, and comparisons across levels of the hierarchy are possible (i.e. compare supplier A's performance at divisional level against supplier B's performance at company level).

Each supplier is identified in the channel field 261, supplier field 262, division field 263, and department field 264. The measure column 265 corresponds to the measure column 225 in Figure 6 listing the quantitative KPIs. Similarly, the remaining columns for each supplier parallel the columns in Fig. 6.

Response dated November 9, 2004
Response to Office Action dated July 12, 2004

Application No. 09/864,383

For example, a "selected hierarchical level within an individual supplier" may be a departmental level or a divisional level. However, Aycock does not teach or even suggest the above features. The Office Action alleges that "Aycock's reference is directed to performance at the vendor level, which is inherently a level of hierarchy of the supply chain. (Page 2, paragraph 3. Emphasis added.) Aycock merely discusses performance evaluation at the vendor level. However, in claim 1 "a selected hierarchical level" is "within an individual supplier." Thus, Aycock does not even suggest the feature of "inputting a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one of multiplier suppliers."

Similarly, claim 20 includes the features of "inputting a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one of multiple suppliers" and "displaying, for at least one selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain"; claim 39 includes "a module/component inputting a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one of multiple suppliers" and "a module/component displaying, for at least one selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain"; claim 58 includes "an input interface that inputs a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one of multiple suppliers" and "an interface displaying, for at least one selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain"; claim 93 includes the features of "receiving a request relating to at least one supplier of said supply chain, the request including a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least

Response dated November 9, 2004
Response to Office Action dated July 12, 2004

Application No. 09/864,383

one supplier” and “generating, for at least one selected hierarchical level, at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier”; claim 113 includes the features of “receiving a request relating to at least one supplier of said supply chain, the request including a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one supplier” and “generating, for at least one selected hierarchical level, at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier”; claim 133 includes “a module/component receiving a request relating to at least one supplier of said supply chain, the request including a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of said at least one supplier” and “a module/component generating, for at least one selected hierarchical level, at least one performance indicator for said supply chain, said at least one performance indicator relating to the at least one supplier with respect to at least one other supplier”; claim 153 includes the features of “inputting a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of the suppliers” and “evaluating, for at least one selected hierarchical level, the suppliers for said supply chain based on the performance information”; claim 174 includes the features of “inputting a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of the suppliers” and “evaluating, for at least one selected hierarchical level, the suppliers for said supply chain based on the performance information”; and claim 194 includes “a module/component inputting a hierarchical identification of a selected hierarchical level within an individual supplier, the individual supplier being one of the suppliers” and “a module/component evaluating, for at least one selected hierarchical level, the suppliers for supply chain based on the performance information.”

Claims 2-3, 5, 7, 10, 13, 14, 16, 17, 19, 21-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57, 59-60, 62, 67, 70, 71, 73, 74, 76, 94-97, 104, 107, 108, 110, 111, 114-117, 119, 124, 127, 128, 130, 131, 134-137, 139, 144, 147, 148, 150, 151, 154-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 195-198, 200, 205, 208, 209, 211, 212, and 214-216 depend from independent claims 1, 20, 39, 58, 93, 113, 133, 153, 174, and 194.

Response dated November 9, 2004
Response to Office Action dated July 12, 2004

Application No. 09/864,383

Thus, claims 1-3, 5, 7, 10, 13, 14, 16, 17, 19-22, 24, 29, 32, 33, 35, 36, 38-41, 43, 48, 51, 52, 54, 55, 57-60, 62, 67, 70, 71, 73, 74, 76, 93-97, 104, 107, 108, 110, 111, 113-117, 119, 124, 127, 128, 130, 131, 133-137, 139, 144, 147, 148, 150, 151, 153-158, 160, 162, 165, 168, 169, 171, 172, 174-178, 180, 185, 188, 189, 191, 192, 194-198, 200, 205, 208, 209, 211, 212, and 214-216 are not anticipated by Aycock for at least the above reasons, and the Applicant requests for reconsideration.

2) Claims 1, 2, 7-9, 11, 12, 15, 18, 20, 26-28, 30, 31, 34, 37, 39, 45-47, 49, 50, 53, 56, 58, 64-69, 72, 75, 93, 94, 96, 101-103, 105, 106, 109, 112-114, 116, 121-123, 125, 126, 129, 132-134, 136, 141-143, 145, 146, 149, and 152 are rejected under USC §102(b) as being anticipated by U.S. Patent No. 6,008,817 (Gilmore). Regarding claim 1, as discussed above, the Applicant has amended claim 1 to include the features of "inputting a specification of at least one selected **hierarchical level associated with said at least one of multiple suppliers**" and "displaying, for said at least one selected hierarchical level, performance indicators for said supply chain, said performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain." (Emphasis added) The Office Action alleges that Gilmore teaches "displaying, for a selected hierarchical level, performance indicators relating to the performance of said at least one supplier with regard to other entities in said supply chain (column 3, lines 44-52 - analysts can drill up or down the **hierarchy of comparative information**)." (Emphasis added) However, Gilmore merely teaches drilling up or down a hierarchy, in which "the hierarchy describes the priority of product features and performances of the product." (Column 4, lines 17-18) Gilmore does not teach or even suggest "at least one selected hierarchical level associated with said at least one of multiple suppliers."

For similar reasons, as discussed above, independent claims 20, 39, 58, 93, 113, and 133 are not anticipated by Gilmore. Claims 2, 7-9, 11, 12, 15, 18, 26-28, 30, 31, 34, 37, 45-47, 49, 50, 53, 56, 64-69, 72, 75, 94, 96, 101-103, 105, 106, 109, 112, 114, 116, 121-123, 125, 126, 129, 132, 134, 136, 141-143, 145, 146, 149, and 152 depend from these independent claims. Thus, claims 1, 2, 7-9, 11, 12, 15, 18, 20, 26-28, 30, 31, 34, 37, 39, 45-47, 49, 50, 53, 56, 58, 64-69, 72, 75, 93, 94, 96, 101-103, 105, 106, 109, 112-114, 116, 121-123, 125, 126, 129, 132-134, 136, 141-143, 145, 146, 149, and 152 are not anticipated by Gilmore, for at least the above reasons, and Applicant therefore requests reconsideration.

Response dated November 9, 2004
Response to Office Action dated July 12, 2004

Application No. 09/864,383

Claim Rejections - 35 U.S.C. §103(a)

3) Claims 163, 164, 166, 167, 170, 173, 183, 184, 186, 187, 190, 193, 203, 204, 206, 207, 210, and 213 are rejected under USC §103(a) as being unpatentable over Aycock in view of Gilmore. As discussed above, neither Aycock, nor Gilmore, nor the combination of Aycock and Gilmore teaches or even suggests the features of "inputting a specification of at least one selected hierarchical level associated with the suppliers" and "evaluating, for said at least one selected hierarchical level, the suppliers for said supply chain based on the performance information" as included in claim 153. The features of "inputting a specification of at least one selected hierarchical level associated with the suppliers" and "evaluating, for said at least one selected hierarchical level, the suppliers for said supply chain based on the performance information" as included in claim 174 are not taught or suggested by Aycock and Gilmore. The features of "a module/component inputting a specification of at least one selected hierarchical level associated with the suppliers" and "a module/component evaluating, for said at least one selected hierarchical level, the suppliers for supply chain based on the performance information" as included in claim 194 are not taught or suggested by Aycock and Gilmore. Because claims 163, 164, 166, 167, 170, 173, 183, 184, 186, 187, 190, 193, 203, 204, 206, 207, 210, and 213 depend from independent claims 153, 174, and 194, these claims are patentable over Aycock in view of Gilmore, and the Applicant requests for reconsideration.

4) Claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92 are rejected under USC §103(a) as being unpatentable over Aycock in view of reference "An Exploratory Study of the Perceived Benefits of Electronic Bulletin Use and Their Impact on Other Communication Activities" (James). Claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92 ultimately depend from claims independent claims 1, 20, 39, and 58. Moreover, James does not make up for the deficiencies of Aycock, and thus claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92 are patentable for at least the above reasons. The Applicant requests reconsideration of claims 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, and 92.

5) Claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201 are rejected under 35 USC §103(a) as being unpatentable over Aycock. However,

Response dated November 9, 2004
Response to Office Action dated July 12, 2004

Application No. 09/864,383

claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201 ultimately depend from independent claims 1, 20, 39, 58, 93, 113, 133, 153, 174, and 194. Moreover, the Official notice that "it is well known in the state of the art of supply chain management that the evaluation of a supplier would take into account pre-season and in-season performance" does not make up for the deficiency of Aycock. Thus, claims 4, 6, 23, 25, 42, 44, 61, 63, 98, 100, 118, 120, 138, 140, 159, 161, 179, 181, 199, and 201 are patentable. The Applicant requests reconsideration.

6) Claims 217 and 218 are rejected by the Office Action under 35 U.S.C. 103(a) as being unpatentable over Aycock in view of US 5,684,964 (Powers). Claims 217 and 218 ultimately depend from independent claim 1. Moreover, Powers does not make up for the deficiency of Aycock. Thus, claims 217 and 218 are patentable over Aycock in view of Powers. The Applicant requests reconsideration.

7) The Applicant has added claims 219 and 220, which is supported by the specification as originally filed. For example, the specification (paragraph 45) discloses:

Figure 6 shows the actuals evaluation screen 220, accessed by selecting the actuals hyperlink button 216 on menu section 300. The actuals evaluation screen 220 contains key performance indicators (KPI) by which suppliers may be measured. Supplier's KPI are viewed by channel (supply chain) either aggregated up to 'All Suppliers' or at a supplier, division, or department level. The supplier KPI may include Lateness of Order, Completeness of Order, and Service Level. The Trend button produces a Trend graph plotting Teams View scores overtime. The actuals data may be extracted from an RMS database. The foregoing list of possible KPI is not intended to be inclusive, and other performance indicators may be utilized.

Response dated November 9, 2004
Response to Office Action dated July 12, 2004

Application No. 09/864,383

All objections and rejections have been addressed. Hence, it is respectfully submitted that the present application is in condition for allowance, and a notice to that effect is earnestly solicited.

Respectfully submitted,

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By: Kenneth F. Smolik
Kenneth F. Smolik
Registration No. 44,344
BANNER & WITCOFF, LTD.
10 South Wacker Drive
Suite 3000
Chicago, Illinois 60606
Direct Line: 312-463-5419
Facsimile: 312-463-5001